

To: Nygaard, Eric[Eric.Nygaard@epa.ohio.gov]; Pellegrini, Janet[pellegrini.janet@epa.gov]; Pepin, Rob[pepin.robert@epa.gov]
Cc: Hall, Brian[brian.hall@epa.ohio.gov]; Gill, Daniel[Daniel.Gill@epa.ohio.gov]; Novak, Paul[Paul.Novak@epa.ohio.gov]
Bcc: Prichard, Gary[prichard.gary@epa.gov]
Sent: Thur 1/16/2014 5:32:51 PM
Subject: RE: Potential changes to Bennoc trigger language

Eric – We should discuss this on Friday. In preparation for that please think about: a WET trigger; a simpler action step – rather than submittal of an AMP – simply requiring implementation actions within x days to eliminate the problem within a fixed period; if the AMP approach is followed consider including a specification that the plan is submitted (no approval needed- that may have been your intent but I wasn't certain) and implemented within x days following the trigger along with an expectation of eliminating the problem within a fixed period; and the last sentence seems to allow for the company to challenge the results that trigger the actions – presumably the company or company contractor is collecting and analyzing the samples per EPA/OEPA approved protocols and methodologies and QA procedures- so it does not seem that a challenge should be allowed or contemplated in the permit, and such a challenge would undoubtedly result in extended time for implementing corrective actions. These are just a few thoughts in advance of our call, there may be others as well. Thanks

From: Nygaard, Eric [mailto:Eric.Nygaard@epa.ohio.gov]
Sent: Thursday, January 16, 2014 8:47 AM
To: Pierard, Kevin; Pellegrini, Janet; Pepin, Rob
Cc: Hall, Brian; Gill, Daniel; Novak, Paul
Subject: Potential changes to Bennoc trigger language

What do you folks think of the following? Maybe these items can be part of the Friday discussion.

If the biological assessment described in Item L shows a discharge-caused Invertebrate Community Index (ICI) value less than 32, or an Index of Biotic Integrity (IBI) value less than 40 (“triggering biological values”), the permittee shall resample as soon as feasible, but within the June 15-September 30 time frame. Copies of the retesting results shall be provided to the Ohio EPA, Southeast District Office (SEDO) within 5 working days of receipt of the results of the test. If either of the resampling results also are less than the triggering biological values, the permittee shall, within 60 days, submit an adaptive management plan (AMP) to the SEDO identifying action it will take to bring the biological values above their respective triggers.

If two or more measurements for total filterable residue (total dissolved solids or TDS) at station 0IL00159925 exceed 1500 mg/l in any six-month period, or if any measurement for TDS at station 0IL00159925 exceeds TBD mg/l (“triggering chemical values”), the permittee shall submit an AMP describing the actions it will take to achieve compliance with the triggering chemical values; provided, that this requirement shall not apply if the permittee can reasonably demonstrate that the triggering biological values have not and will not be exceeded.